

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EARL ARBERRY and LOUISE ARBERRY,
LARRY J. BAILEY and KETHERYN BAILEY,
WAYNE DELO BENTON and FAYE BENTON,
HENRY EUGENE BILLING and TOMMYE BILLING,
FREDDIE LEE BRIGGS,
TOMMY GENE BROWN and GENEVA BROWN,
EMMIT LEE BRYAN and JOANN BRYAN,
HERMAN BUTLER and ERMALINE BUTLER,
MARION BUTLER and JUANITA BUTLER,
ROBERT MONROE CHUNN and DIANA CHUNN,
TIMOTHY D. CLANTON and REBECCA CLANTON,
**EDWARD MOODY as the Administrator for the Estate of
WILLIE COAKLEY JR. and EULAR COAKLEY,
Individually,**
CHARLES E. DUMAS and SHERRY DUMAS,
PAUL R. DUNBAR and PEARL DUNBAR,
JOBIE SAMUEL EARLY and ANNIE EARLY,
JERRY JOE ELINGER and JANICE ELINGER,
DAVID LEE FRAZIER and EARLINE FRAZIER,
GEORGE R. GAINES and LILLIAN GAINES,
JOHN T. GREEN,
OTIS HEARD and FLORDENE HEARD,
JERRY R. JONES and CHRISTIE JONES,
KENNETH JONES,
GERALD LEE LIGHTFOOT and ALICE LIGHTFOOT,
**DON MABIN as the Administrator for the Estate of
RHUHEADY MABIN and ALMA MABIN, Individually,**
KENNETH WAYNE MARTIN,
ALFRED FREDERICK MCCOWN and JOHNNIE MCCOWN,
DAN C. MCDOWELL and BRENDA MCDOWELL,
MARY B MCMAHAN and FRANK MCMAHAN,
CHARLIE MEDLOCK and SARAH MEDLOCK,
GUY R. MILES JR. and GUYLAH MILES,
CHESTER RAY MIXON and JAYDENE MIXON,
CARNIDA GAIL NEWELL,
DEANNA NOLAN,
HENRY LEE OLDEN and NARCISSUS OLDEN,
BOB ORRELL,
WILLIAM HENRY OVERTURF and CAROL OVERTURF,
CLEVELAND PACE SR. and CYNTHIA PACE,
JOELLA PAIGE,
J.P. PARKER,
RUTH ELIZABETH PASLEY and BILLY PASLEY,
LUTHER LEE PEOPLES JR.,
DAVID LEWIS PICKARD and JANICE PICKARD,
BARBARA JEAN PIERCE and CLIFFORD PIERCE,
LEAUTRY GENE PIERCE,
RUBEN POLLAN and ALICE POLLAN,
WILLIAM H. POPE and CHARLOTTE POPE,

**SECOND
AMENDED VERIFIED
COMPLAINT**

Docket No.: 01CIV3922

JURY TRIAL DEMANDED

JUDGE WEINSTEIN

JOHN POWELL SR. and PATSY POWELL,
REECE SULLIVAN POWELL and MARGARET POWELL,
HENRY RAY PULLING JR. and MARTHA PULLING,
MARTHA NANCE PULLING and HENRY PULLING,
RONNIE RAY RAINEY and PATRICIA RAINEY,
KENNETH R. RAY and PATRICIA RAY,
WILLIE MAE RICHARDSON and DEWEY RICHARDSON,
JAY THOMAS ROBBINS and MICHAEL D. ROBBINS, as Co-
Administrators for the Estate of JACK T. ROBBINS,
MATTHEW ROBERSON,
CURTIS C. ROBINSON and HELENA ROBINSON,
LOUISE E. ROBINSON,
KEITH CAVELL SABBS SR.,
OTHEL SCALES and MARTHA SCALES,
GEORGE ELROY SHIVERS,
VERNON SHUFFIELD,
GENE EDWIN SLIGH and ANN SLIGH,
OCTAVIA SMITH, as Administratrix for the Estate of EDDIE C.
SMITH and OCTAVIA SMITH, Individually,
ELEANOR SMITH BONSACK as Executrix for the Estate of
GROVER E. SMITH,
JIMMIE EUDENE SMITH,
LAWRENCE ALLEN SMITH and JUANITA SMITH,
PERCY LEE SMITH and CINDY SMITH,
RICHARD GORDON SMITH and JACQUELINE SMITH,
THOMAS WARREN SMITH and JOYCE SMITH,
WAYNE ERNEST SMITH and BETTY SMITH,
JOHN WAYNE STALLSWORTH and MARY STALLSWORTH,
WANDA STEVENS as the Administratrix for the Estate of
JAMES PATRICK STEVENS and WANDA STEVENS,
Individually,
SHERYL STEWART MEEK as the Personal Representative
for the Estate of JAMES HOUSTON STEWART,
ARTHUR STOKES and MILDRED STOKES,
WILMA JEAN STOLZ,
KERNEY ALVIN STRICKLAND,
JAMES EDWARD SULLIVAN and BERNICE SULLIVAN,
BERNELL W. TANNER and RODNEY TANNER,
MARY TAYLOR and GENE TAYLOR,
PATRICIA A. TAYLOR and ELBERT TAYLOR,
WILLIE G. THOMAS JR. and LINDA THOMAS,
CATHERINE LEANORA THOMPSON and HENRY
THOMPSON,
LOVELL THOMPSON and DOROTHY THOMPSON,
RAY OTIS TODD and RAY OTIS TODD,
THOMAS K. TODD,
OTIS LEE TRIMBLE and IRENE TRIMBLE,
JERRY M. TROTTER and VELMA TROTTER,
DOROTHY J. VAUGHN and CHARLES VAUGHN,
DARRYL KEITH VERICKER and LAURA VERICKER,
JOHNNY WAINWRIGHT and LILLIE WAINWRIGHT,
JOHN WASHINGTON and KAREN WASHINGTON,

CHARLES H. WHITAKER,
PATRICIA ANN WHITAKER and GEORGE WHITAKER,
HAROLD P. WHITE and LORETTA WHITE,
JOSEPH L. WIGGINS and BERNICE WIGGINS,
JOHNNY FRANKLIN WITHERSPOON and BOBBIE
WITHERSPOON,
SHARLENE WOODWARD,
WILSIE L. WOOTEN and DARLENE WOOTEN,
WILLIE B. WRIGHT SR. and LEANNA WRIGHT,
VERDISE YOUNG,

Plaintiff(s),

-against-

A.C. and S., INC. (ARMSTRONG CONTRACTING &
SUPPLY),
A.P. GREEN INDUSTRIES, INC. f/k/a A.P. GREEN
REFRACTORIES COMPANY,
A.P. GREEN SERVICES, INC., successor to BIGELOW, f/d/b
LIPTAK,
A.W. CHESTERTON COMPANY,
AMCHEM PRODUCTS, INC., n/k/a RHONE POULENC AG
COMPANY,
n/k/a BAYER CROPSCIENCE INC,
AMERICAN OPTICAL CORPORATION,
AMERICAN STANDARD, INC.,
ANCHOR PACKING COMPANY,
BMCE INC., f/k/a UNITED CENTRIFUGAL PUMP,
BURNHAM, LLC as successor to BURNHAM CORPORATION,
CERTAIN TEED CORPORATION,
CLEAVER BROOKS COMPANY, INC.,
CONGOLEUM CORPORATION,
CRANE CO.,
DANA CORPORATION,
DB RILEY, INC.,
DRESSER INDUSTRIES, INC.,
DURABLA MANUFACTURING COMPANY,
FOSTER WHEELER, L.L.C.,
FULTON BOILER WORKS, INC.,
GARLOCK SEALING TECHNOLOGIES LLC,
f/k/a GARLOCK INC.,
GASKET HOLDINGS, INC., f/k/a FLEXITALLIC, INC.,
GENERAL ELECTRIC COMPANY,
GIBRALTAR INDUSTRIAL SERVICES, INC.,
GOODYEAR CANADA, INC.,
GOODYEAR TIRE AND RUBBER COMPANY,
GOULDS PUMPS, INC.,
H.B. FULLER COMPANY,
HARBISON-WALKER REFRACTORIES COMPANY,
I.U. NORTH AMERICA, INC.,

INGERSOLL-RAND COMPANY,
J.H. FRANCE REFRACTORIES COMPANY,
KAISER ALUMINUM & CHEMICAL CORPORATION,
KEELER-DORR-OLIVER BOILER COMPANY,
KENTILE FLOORS, INC.,
KOHLER CO.,
LOCKHEED MARTIN CORP.,
 as successor in interest to MARTIN
 MARIETTA CORP.,
 as successor in interest to AMERICAN MARIETTA
 CORP.,
MINNESOTA MINING & MANUFACTURING COMPANY,
MORSE DIESEL, INC.,
NATIONAL SERVICE INDUSTRIES, INC.,
NORTH AMERICAN REFRACTORIES COMPANY (NARCO),
NOSROC CORP.,
OAKFABCO, INC.,
OWENS-ILLINOIS, INC.,
PATTERSON KELLY DIVISION,
PATTERSON PUMP COMPANY,
PEERLESS HEATER CO., INC.,
PFIZER, INC. (PFIZER),
PLIBRICO COMPANY,
PORTER HAYDEN COMPANY,
PROKO INDUSTRIES, INC.,
QUIGLEY COMPANY, INC.,
RAPID-AMERICAN CORPORATION,
REYNOLDS METALS COMPANY,
 as successor in interest to
 ATLANTIC ASBESTOS CORP.,
SEQUOIA VENTURES, INC.,
 f/k/a BECHTEL CORPORATION,
T&N PLC,
THE OKONITE COMPANY, INC.,
U.S. RUBBER COMPANY (UNIROYAL),
UNION CARBIDE CORPORATION,
UNITED STATES GYPSUM COMPANY,
UNITED STATES MINERAL PRODUCTS COMPANY,
VIACOM INC.,
 as successor by merger to CBS CORPORATION
 f/k/a WESTINGHOUSE ELECTRIC CORPORATION,
WEIL-MCLAIN,
 a division of THE MARLEY COMPANY,
WORTHINGTON CORPORATION,

Defendants

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Plaintiff(s) by their attorney(s) WEITZ & LUXENBERG, P.C., upon information and belief, at all times hereinafter mentioned allege as follows:

1. Plaintiff(s), EARL ARBERRY and LOUISE ARBERRY, is a resident and citizen of the State of Arkansas; LARRY J. BAILEY and KETHERYN BAILEY, is a resident and citizen of the State of Arkansas; WAYNE DELO BENTON and FAYE BENTON, is a resident and citizen of the State of Arkansas; HENRY EUGENE BILLING and TOMMYE BILLING, is a resident and citizen of the State of Arkansas; FREDDIE LEE BRIGGS, is a resident and citizen of the State of Arkansas; TOMMY GENE BROWN and GENEVA BROWN, is a resident and citizen of the State of Arkansas; EMMIT LEE BRYAN and JOANN BRYAN, is a resident and citizen of the State of ; HERMAN BUTLER and ERMALINE BUTLER, is a resident and citizen of the State of Missouri; MARION BUTLER and JUANITA BUTLER, is a resident and citizen of the State of Arkansas; ROBERT MONROE CHUNN and DIANA CHUNN, is a resident and citizen of the State of ; TIMOTHY D. CLANTON and REBECCA CLANTON, is a resident and citizen of the State of Arkansas; EDWARD MOODY as the Administrator for the Estate of WILLIE COAKLEY JR. and EULAR COAKLEY, Individually, is a resident and citizen of the State of Arkansas; CHARLES E. DUMAS and SHERRY DUMAS, is a resident and citizen of the State of Arkansas; PAUL R. DUNBAR and PEARL DUNBAR, is a resident and citizen of the State of Arkansas; JOBIE SAMUEL EARLY and ANNIE EARLY, is a resident and citizen of the State of Arkansas; JERRY JOE ELINGER and JANICE ELINGER, is a resident and citizen of the State of Arkansas; DAVID LEE FRAZIER and EARLINE FRAZIER, is a resident and citizen of the State of Arkansas; GEORGE R. GAINES and LILLIAN GAINES, is a resident and citizen of the State of Arkansas; JOHN T. GREEN, is a resident and citizen of the State of Arkansas; OTIS HEARD and FLORDENE HEARD, is a resident and citizen of the State of Arkansas; JERRY R. JONES and

CHRISTIE JONES, is a resident and citizen of the State of Arkansas; KENNETH JONES, is a resident and citizen of the State of Arkansas; GERALD LEE LIGHTFOOT and ALICE LIGHTFOOT, is a resident and citizen of the State of Arkansas; DON MABIN as the Administrator for the Estate of RHUHEADY MABIN and ALMA MABIN, Individually, is a resident and citizen of the State of Arkansas; KENNETH WAYNE MARTIN, is a resident and citizen of the State of Arkansas; ALFRED FREDERICK MCCOWN and JOHNNIE MCCOWN, is a resident and citizen of the State of Arkansas; DAN C. MCDOWELL and BRENDA MCDOWELL, is a resident and citizen of the State of Arkansas; MARY B MCMAHAN and FRANK MCMAHAN, is a resident and citizen of the State of Arkansas; CHARLIE MEDLOCK and SARAH MEDLOCK, is a resident and citizen of the State of Arkansas; GUY R. MILES JR. and GUYLAH MILES, is a resident and citizen of the State of Arkansas; CHESTER RAY MIXON and JAYDENE MIXON, is a resident and citizen of the State of Arkansas; CARNIDA GAIL NEWELL, is a resident and citizen of the State of Arkansas; DEANNA NOLEN, is a resident and citizen of the State of Arkansas; HENRY LEE OLDEN and NARCISSUS OLDEN, is a resident and citizen of the State of Arkansas; BOB ORRELL, is a resident and citizen of the State of Arkansas; WILLIAM HENRY OVERTURF and CAROL OVERTURF, is a resident and citizen of the State of Arkansas; CLEVELAND PACE SR. and CYNTHIA PACE, is a resident and citizen of the State of Arkansas; JOELLA PAIGE, is a resident and citizen of the State of Arkansas; J.P. PARKER, is a resident and citizen of the State of Arkansas; RUTH ELIZABETH PASLEY and BILLY PASLEY, is a resident and citizen of the State of Arkansas; LUTHER LEE PEOPLES JR., is a resident and citizen of the State of Arkansas; DAVID LEWIS PICKARD and JANICE PICKARD, is a resident and citizen of the State of Arkansas; BARBARA JEAN PIERCE and CLIFFORD PIERCE, is a resident and citizen of the State of Arkansas; LEAUTRY GENE PIERCE, is a resident and citizen of the State of Arkansas;

RUBEN POLLAN and ALICE POLLAN, is a resident and citizen of the State of Arkansas;

WILLIAM H. POPE and CHARLOTTE POPE, is a resident and citizen of the State of Arkansas;

JOHN POWELL SR. and PATSY POWELL, is a resident and citizen of the State of Arkansas;

REECE SULLIVAN POWELL and MARGARET POWELL, is a resident and citizen of the State of Arkansas; HENRY RAY PULLING JR. and MARTHA PULLING, is a resident and citizen of the State of Arkansas; MARTHA NANCE PULLING and HENRY PULLING, is a resident and citizen of the State of Arkansas; RONNIE RAY RAINEY and PATRICIA RAINEY, is a resident and citizen of the State of Arkansas; KENNETH R. RAY and PATRICIA RAY, is a resident and citizen of the State of Arkansas; WILLIE MAE RICHARDSON and DEWEY RICHARDSON, is a resident and citizen of the State of Arkansas; JAY THOMAS ROBBINS and MICHAEL D. ROBBINS, as Co- Administrators for the Estate of JACK T. ROBBINS, is a resident and citizen of the State of Arkansas; MATTHEW ROBERSON, is a resident and citizen of the State of Arkansas; CURTIS C. ROBINSON and HELENA ROBINSON, is a resident and citizen of the State of Michigan; LOUISE E. ROBINSON, is a resident and citizen of the State of Arkansas; KEITH CAVELL SABBS SR., is a resident and citizen of the State of Arkansas; OTHHEL SCALES and MARTHA SCALES, is a resident and citizen of the State of Arkansas; GEORGE ELROY SHIVERS, is a resident and citizen of the State of Missouri; VERNON SHUFFIELD, is a resident and citizen of the State of Arkansas; GENE EDWIN SLIGH and ANN SLIGH, is a resident and citizen of the State of Arkansas; OCTAVIA SMITH, as Administratrix for the Estate of EDDIE C. SMITH and OCTAVIA SMITH, Individually, is a resident and citizen of the State of Arkansas; ELEANOR SMITH BONSACK as Executrix for the Estate of GROVER E. SMITH, is a resident and citizen of the State of Texas; JIMMIE EUDENE SMITH, is a resident and citizen of the State of Arkansas; LAWRENCE ALLEN SMITH and JUANITA SMITH, is a resident and citizen of the State of

Arkansas; PERCY LEE SMITH and CINDY SMITH, is a resident and citizen of the State of Arkansas; RICHARD GORDON SMITH and JACQUELINE SMITH, is a resident and citizen of the State of Arkansas; THOMAS WARREN SMITH and JOYCE SMITH, is a resident and citizen of the State of Arkansas; WAYNE ERNEST SMITH and BETTY SMITH, is a resident and citizen of the State of Arkansas; JOHN WAYNE STALLSWORTH and MARY STALLSWORTH, is a resident and citizen of the State of Arkansas; WANDA STEVENS as the Administratrix for the Estate of JAMES PATRICK STEVENS and WANDA STEVENS, Individually, is a resident and citizen of the State of Arkansas; SHERYL STEWART MEEK as the Personal Representative for the Estate of JAMES HOUSTON STEWART, is a resident and citizen of the State of Arkansas; ARTHUR STOKES and MILDRED STOKES, is a resident and citizen of the State of Arkansas; WILMA JEAN STOLZ, is a resident and citizen of the State of Arkansas; KERNEY ALVIN STRICKLAND, is a resident and citizen of the State of Arkansas; JAMES EDWARD SULLIVAN and BERNICE SULLIVAN, is a resident and citizen of the State of Arkansas; BERNELL W. TANNER and RODNEY TANNER, is a resident and citizen of the State of Arkansas; MARY TAYLOR and GENE TAYLOR, is a resident and citizen of the State of Arkansas; PATRICIA A. TAYLOR and ELBERT TAYLOR, is a resident and citizen of the State of Arkansas; WILLIE G. THOMAS JR. and LINDA THOMAS, is a resident and citizen of the State of Michigan; CATHERINE LEANORA THOMPSON and HENRY THOMPSON, is a resident and citizen of the State of Arkansas; LOVELL THOMPSON and DOROTHY THOMPSON, is a resident and citizen of the State of Arkansas; RAY OTIS TODD and RAY OTIS TODD, is a resident and citizen of the State of Arkansas; THOMAS K. TODD, is a resident and citizen of the State of Arkansas; OTIS LEE TRIMBLE and IRENE TRIMBLE, is a resident and citizen of the State of Arkansas; JERRY M. TROTTER and VELMA TROTTER, is a resident and citizen of the State of Arkansas; DOROTHY J. VAUGHN and

CHARLES VAUGHN, is a resident and citizen of the State of Arkansas; DARRYL KEITH VERICKER and LAURA VERICKER, is a resident and citizen of the State of Arkansas; JOHNNY WAINWRIGHT and LILLIE WAINWRIGHT, is a resident and citizen of the State of Arkansas; JOHN WASHINGTON and KAREN WASHINGTON, is a resident and citizen of the State of Arkansas; CHARLES H. WHITAKER, is a resident and citizen of the State of Arkansas; PATRICIA ANN WHITAKER and GEORGE WHITAKER, is a resident and citizen of the State of Arkansas; HAROLD P. WHITE and LORETTA WHITE, is a resident and citizen of the State of Arkansas; JOSEPH L. WIGGINS and BERNICE WIGGINS, is a resident and citizen of the State of Arkansas; JOHNNY FRANKLIN WITHERSPOON and BOBBIE WITHERSPOON, is a resident and citizen of the State of Arkansas; SHARLENE WOODWARD, is a resident and citizen of the State of Michigan; WILSIE L. WOOTEN and DARLENE WOOTEN, is a resident and citizen of the State of Arkansas; WILLIE B. WRIGHT SR. and LEANNA WRIGHT, is a resident and citizen of the State of Arkansas; VERDISE YOUNG, is a resident and citizen of the State of Arkansas, and Defendants are of diverse citizenship in that Defendants are incorporated in and have their principal place of business in states other than those in which plaintiffs are citizens as stated in the NYAL Weitz & Luxenberg, P.C. Federal Standard Asbestos Complaint for Personal Injury No. 1 and NYAL Weitz & Luxenberg, P.C. Federal Standard Asbestos Complaint for Wrongful Death No. 1.

2. The amount in controversy exceeds 75,000.00 for each Plaintiff;

3. Defendant AMCHEM PRODUCTS, INC., n/k/a RHONE POULENC AG COMPANY, n/k/a BAYER CROPSCIENCE INC, was and still is a duly organized domestic corporation doing business in the State of New York.

4. Defendant AMCHEM PRODUCTS, INC., n/k/a RHONE POULENC AG COMPANY, n/k/a BAYER CROPSCIENCE INC, was and still is a duly organized foreign

corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

5. Defendant AMERICAN OPTICAL CORPORATION, was and still is a duly organized domestic corporation doing business in the State of New York.

6. Defendant AMERICAN OPTICAL CORPORATION, was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

7. Defendant CERTAIN TEED CORPORATION, was and still is a duly organized domestic corporation doing business in the State of New York.

8. Defendant CERTAIN TEED CORPORATION, was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

9. Defendant CRANE CO., was and still is a duly organized domestic corporation doing business in the State of New York.

10. Defendant CRANE CO., was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

11. Defendant DB RILEY, INC., was and still is a duly organized domestic corporation doing business in the State of New York.

12. Defendant DB RILEY, INC., was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

13. Defendant I.U. NORTH AMERICA, INC., was and still is a duly organized domestic corporation doing business in the State of New York.

14. Defendant I.U. NORTH AMERICA, INC., was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

15. Defendant LOCKHEED MARTIN CORP., as successor in interest to MARTIN MARIETTA CORP., as successor in interest to AMERICAN MARIETTA CORP., was and still is a duly organized domestic corporation doing business in the State of New York.

16. Defendant LOCKHEED MARTIN CORP., as successor in interest to MARTIN MARIETTA CORP., as successor in interest to AMERICAN MARIETTA CORP., was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

17. Defendant NATIONAL SERVICE INDUSTRIES, INC., was and still is a duly organized domestic corporation doing business in the State of New York.

18. Defendant NATIONAL SERVICE INDUSTRIES, INC., was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

19. Defendant NOSROC CORP., was and still is a duly organized domestic corporation doing business in the State of New York.

20. Defendant NOSROC CORP., was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

21. Defendant PATTERSON PUMP COMPANY, was and still is a duly organized domestic corporation doing business in the State of New York.

22. Defendant PATTERSON PUMP COMPANY, was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

23. Defendant REYNOLDS METALS COMPANY, as successor in interest to ATLANTIC ASBESTOS CORP., was and still is a duly organized domestic corporation doing business in the State of New York.

24. Defendant REYNOLDS METALS COMPANY, as successor in interest to ATLANTIC ASBESTOS CORP., was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

AS AND FOR A TENTH CAUSE OF ACTION

25. Plaintiff(s) repeats and reiterates the prior allegations of the NYAL Weitz & Luxenberg, P.C. Federal Standard Asbestos Complaint for Personal Injury No. 1 and NYAL Weitz & Luxenberg, P.C. Federal Standard Asbestos Complaint for Wrongful Death No. 1 as if alleged more fully below:

26. Defendant(s) MINNESOTA MINING & MANUFACTURING COMPANY and AMERICAN OPTICAL CORPORATION were engaged in the business of manufacturing and selling respiratory devices commonly known as “dust masks”.

27. Defendant(s) MINNESOTA MINING & MANUFACTURING COMPANY and AMERICAN OPTICAL CORPORATION knew or in the exercise of reasonable diligence should have ascertained that its “dust masks” would be used without inspection for defects, and by placing same on the market, represented that these masks would safely preclude the inhalation of asbestos fibers.

28. The dust masks manufactured, distributed and sold by the Defendant(s) MINNESOTA MINING & MANUFACTURING COMPANY and AMERICAN OPTICAL CORPORATION were dangerous and defective, in that the same failed to protect against the inhalation of asbestos dust, as had been represented.

29. The dust masks as designed, manufactured, distributed and marketed by the Defendant(s) MINNESOTA MINING & MANUFACTURING COMPANY and AMERICAN OPTICAL CORPORATION were placed into the stream of commerce in a defective, unsafe and inherently dangerous condition, at the time they left the hands of the Defendants, and were expected to, and did, reach the intended users including this Plaintiff(s) without substantial change in the condition in which these masks were originally manufactured and sold.

30. The dust masks manufactured, sold and distributed by the Defendant(s) MINNESOTA MINING & MANUFACTURING COMPANY and AMERICAN OPTICAL CORPORATION did not contain adequate warnings, instructions for use or safety precautions to persons who reasonably and foreseeably came into contact with and otherwise used said masks.

31. The Plaintiff(s) was unaware of the defects in the Defendants' dust masks which defects rendered these masks ineffective as protection against the inhalation of asbestos dust when utilized in the manner intended.

32. As a direct and proximate result of the sale by the Defendant(s) MINNESOTA MINING & MANUFACTURING COMPANY and AMERICAN OPTICAL CORPORATION to the Plaintiff's employers and others of said defective and unreasonably dangerous dust masks, the Plaintiff(s) sustained serious and permanent asbestos related injuries and suffered a loss of enjoyment of his life.

33. By reason of the foregoing, Plaintiff(s) has been damaged as against the Defendant(s) MINNESOTA MINING & MANUFACTURING COMPANY and AMERICAN OPTICAL CORPORATION in the sum of Ten Million Dollars (\$10,000,000.00) in compensatory damages and Ten Million Dollars (\$10,000,000.00) in punitive damages.

34. Plaintiff(s), EARL ARBERRY and LOUISE ARBERRY, et. al., repeats and realleges NYAL Weitz & Luxenberg, P.C. Federal Standard Asbestos Complaint for Personal Injury No. 1 and NYAL Weitz & Luxenberg, P.C. Federal Standard Asbestos Complaint for Wrongful Death No. 1 as if fully incorporated herein, except as to the extent it may be inconsistent with the allegations herein.

35. Plaintiff(s) demand a trial by jury.

Dated, September 28, 2004
New York, New York

Respectfully submitted,

WEITZ & LUXENBERG, P.C.
Attorneys for Plaintiff(s)

By: Lisa Busch
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New York, New York 10038
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DEFENDANTS' RIDER

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Attorneys for Defendant:

**A.C. and S., INC. (ARMSTRONG CONTRACTING &
SUPPLY)
AMERICAN OPTICAL CORPORATION
UNITED STATES MINERAL PRODUCTS COMPANY**

Unknown at Present Time
Attorneys for Defendant:

**A.P. GREEN INDUSTRIES, INC. f/k/a A.P. GREEN REFRACTORIES
COMPANY**

Julie Evans Esq.
WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER, LLP
150 East 42nd Street
New York, NY 10017
Attorneys for Defendant:

**A.P. GREEN SERVICES, INC., successor to BIGELOW, f/d/b LIPTAK
A.W. CHESTERTON COMPANY**

Judith Yavitz Esq.
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New York, NY 10020
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Attorneys for Defendant:

**AMCHEM PRODUCTS, INC., n/k/a RHONE POULENC AG COMPANY,
n/k/a BAYER CROPSCIENCE INC
CERTAIN TEED CORPORATION
DANA CORPORATION
I.U. NORTH AMERICA, INC.
NATIONAL SERVICE INDUSTRIES, INC.
NOSROC CORP.
T&N PLC
UNION CARBIDE CORPORATION
UNITED STATES GYPSUM COMPANY**

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AMERICAN STANDARD, INC.

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Attorneys for Defendant:
**ANCHOR PACKING COMPANY
GARLOCK SEALING TECHNOLOGIES LLC,
f/k/a GARLOCK INC.**

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Docket No.:01CIV3922

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

=====

EARL ARBERRY and LOUISE ARBERRY, et. al.,

Plaintiff(s),

-against-

A.C. and S., INC. (ARMSTRONG CONTRACTING &
SUPPLY), et. al.,

Defendants.

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SECOND AMENDED SUMMONS and SECOND AMENDED VERIFIED COMPLAINT

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To
Attorney(s) for

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Service of a copy of the within
is hereby admitted.

Dated,
September 28, 2004

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Attorney(s) for

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